Supreme Court, U.S.
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No. _____

IN THE
SUPREME COURT OF THESE UNITED STATES

OCTOBER TERM 1994

MARTIN J. BECKMAN, ET UX, EARLENE H.
PETITIONERS, EN PROPRIA PERSONA,
VS.
ALAN GREENSPAN, CHAIRMAN, AND THE
FEDERAL RESERVE BOARD, AND
MARGARET RICHARDSON, COMMISSIONER
OF INTERNAL REVENUE, AND THE
DE FACTO UNITED STATES GOVERNMENT,
RESPONDENTS.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF MONTANA

Petitioners en pro per,
Martin J. Beckman and
Earlene H. Beckman,
3445 Tigard Ave.,
Billings, Montana, MT-59101-----,or
P.O. Box 1544,
Billings, Mt-59103-1544
406=252-9509

23 pp

QUESTIONS PRESENTED

1- Should United States Attorney represent an individual person or a State hartered corporation in an action in any State Court or in any U.S. District Court?

2- Should the United States District Court, Billings Division, be ordered to Remand a Cause of Action EN REM to a Montana State Court ?

IN SUPREME COURT OF THE UNITED STATES
October Term - 1994 No. _____

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No. _____

IN THE
SUPREME COURT OF THESE UNITED STATES

OCTOBER TERM - - 1994

Martin J. Beckman , et ux., Earlene H., Petitioners, Pro. Se.,

vs.

Alan Greenspan , Chairman, and Federal Reserve Board, and, Margaret Richardson, Commissioner of Internal Revenue, and, De Facto United States Government, Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF MONTANA

Petitioners, Martin J. Beckman and Earlene H. Beckman, at American Common Law, respectfully ask the Court that a writ of certiorari issue to review the judgment and opinion of the Supreme Court of the State of Montana in its denial for a Writ of Mandamus to the Montana Seventh Judicial District Court for remand of Petitioners Beckman (Plaintiffs') Cause of Action, No. DV-94-033 (Hon. Richard Phillips) to said Court from the United States District Court, Billings Division, Case No. CV 94-41-BLG-PGH, to which Court the Cause of Action, above, was allegedly removed by Assistant U.S. Attorney Lorraine D. Gallinger, District of Montana.

OPINIONS BELOW

The ORDER of the Supreme Court of the State of Montana, No. 94-217, was filed on May 17th, 1994, and a verbatim Copy of said ORDER appears in the separate document, APPENDIX TO PETITION FOR WRIT OF CERTIORARI, Exhibit A, page 4 ,therein. To date (8-26-94), no actions, or opinions, have been filed in the Montana Seventh Judicial District Court nor in the U.S. District Court, Billings Division.

The REGISTER OF ACTION of the Supreme Court of the State of Montana, Case Number: 94-217, marked: *CLOSED* 05/17/94, stating on page 2 thereof that : "05/19/94 - Appellant's [66 page] Brief filed. [nine (9)] copies to court."; said REGISTER is entered verbatim in APPENDIX TO PETITION ..., as Exhibit B, page 5, therein.

JURISDICTION

1 On May 5th, 1994, Petitioners Beckman filed an Application for Writ of Mandamus in Supreme Court of Montana which was dismissed on May 17th, two (2) days before receiving Petitioners' 66 page Brief. with nine (9) copies to the Clerk of the Court who handed them to the Justices of Supreme Court of the State of Montana. It appears that there is no Montana statute or provision for a REHEARING on an application for Writ of Mandamus.

The Jurisdiction of the above entitled Court is hereby invoked under THE TREATY: UNITED STATES CONSTITUTION, Articles IX and X of AMENDMENTS thereto, which Instrument flows by the Principles of Christian International Law from the Treaty : Articles of Confederation and Perpetual Union which became operative on March 1, 1781, when the 13th Nation, Maryland, ratified said Articles. The Court became de jure when created by above International Law in The Treaty U.S. Constitution, above, when ratified by the Nation New Hampshire, June 21, 1788. De jure Jurisdiction is also invoked under Title 28, U.S.C. Sections 1251(b)(3), and 1254(1), and 1257(3), and 2671, if de jure, but NOT if de facto by legislation of a de facto Congress since February 20, A.D. 1863, when said Congress gave its delegated sovereign taxing power, by means of fractional-reserve-banking, to the National Banks, some of which are, and were, owned by the privately-owned Central Banks of Europe, notably, the Bank of England.

Jurisdiction of this Court is also invoked under above TREATY, Article III, Section 2: "The judicial power shall extend to ... Controversies to which the United States shall be a party; - ... and between Citizens of different States; - ..., and between a State, or the Citizens thereof, and foreign states, ...". Petitioners-

Plaintiffs Beckman, it appears, have suffered factual damages; the Beckman family home was demolished; reference is hereby made to APPENDIX TO PETITION..., as Exhibit C, "JUDGE: GET Off Land" entered verbatim, page 8, therein. Said damages resulted from alleged actions and decisions in years 1977 - 1984 of private Respondent-Defendant Federal Reserve Board chaired by Paul Volker and since by private Respondent-Defendant Alan Greenspan and the Board's private Federal Reserve Bank of Minneapolis which also has offices at 400 North Park Ave., Helena, Montana 59601- ----. 406=442-3860.

To support invocation of jurisdiction of above entitled Court, Petitioners Beckman Quote page 3 of 55 pages: "FEDERAL JURISDICTION" in FDA case _(??)_: "In the United States, there are two separate and distinct jurisdictions, such being the jurisdiction of the States within their own territorial boundaries and the other being federal jurisdiction. Broadly speaking, state jurisdiction encompasses the legislative power to regulate, control and govern real and personal property, individuals and enterprises within the territorial boundaries of any given State. In contrast, federal jurisdiction is extremely limited, with the same being exercised only in areas external to state legislative power and territory.". Continued quotation in APPENDIX, Exhibit D, page 9, therein, entered verbatim at quote: "Notwithstanding the clarity of this simple principle, ...".—

Limited Jurisdiction of this Court is also invoked under Articles IX, X, XVII, of Amendments to the Treaty, United States Constitution, and supported in Bush v.Orleans ..., 188 F.Supp. 916, "Appendix A" on pp. 930-932 (1960) in APPENDIX, Exhibit G, below, pages 28-34

CONSTITUTIONAL and INT'L. LAW PROVISIONS

TREATIES: In the Treaty With Great Britain ("Treaty of Paris"-Jan. 14, 1784), Article I, it is acknowledged, "... [13 Nation-States named] , to be free , sovereign and independent States; ...", quoted verbatim from 462 page book, American Historical Documents, Vol. 43, The Harvard Classics, Edited by Charles W.Eliot, LL.D., (c)1938, by P.F. Collier & Son, pages -

174 & 175, thereof, in APPENDIX TO PETITION, Exhibit E, page 14, therein.

In the Articles of Confederation and Perpetual Union, Nov. 15, 1777, quote: "WHEREAS, the Delegates of the United States of America in Congress assembled did ...agree to certain articles of Confederation and perpetual Union ["perpetual Union" note] between the States of ... [13 States named] in the Words following, viz. ... Article I. The stile [Webster's 842: {OF. style, stile, ... , manner of writing. ...} ... 4. Distinctive or characteristic mode of presentation ...] of this confederacy shall be 'The United States of America.'". The Preamble: "To All to Whom these Presents Shall Come, We the Undersigned Delegates of the States Affixed to our Names send Greeting.", and ARTICLE II, III, and IV, are quoted verbatim from above book, American Historical Documents, pages 158 & 159. in APPENDIX as Exhibit E, at pages 16-18, thereinabove.

Two (2) PREAMBLES to the Treaty, United States Constitution, are quoted verbatim in APPENDIX, as Exhibit F, page 18 therein. It appears that History has recorded two(2) Preambles to The United States Constitution, namely, the popular Preamble that Judge Joseph Story (1779-1845) used in his Commentaries, below, and the same one which was "banked-on" (used) by Chief Justice John Marshall (1755-1835) in the UNITED STATES BANK (majority stock privately-owned by Central Banks of Europe) case, McCulloch vs. The State of Maryland, (1819), and the actual and true Preamble of the "independent" Nations of the Treaty of Paris, above. Quote Judge Upshur: "The history of the preamble itself ought to have convinced our author [Judge Story], that the inference [that the U.S. Constitution was, and is, NOT a lawful treaty] which he draws from it could not be allowed. On the 6th of August, 1787, the committee appointed for that purpose reported the first draft of the Constitution. The preamble was in these words: 'We, the people of the States of ... [13 Nations named], do ordain, declare and establish the following Constitution, for the government of ourselves and our posterity.'". Quote pages 103 & 104 of 248 page book, THE FEDERAL GOVERNMENT: its TRUE NATURE AND CHARACTER; Being A Review of JUDGE STORY'S

COMMENTARIES on the CONSTITUTION OF THE UNITED STATES., by (Judge) Abel Upshur, (17 ??-1844), Van Evrie, Horton & Co., N. Y. (1868), and from St. Thomas Press, P.O. Box 35096, Houston, Texas 77035-0096, (1977). It appears by History that Judge Upshur has completely and lawfully and logically refuted both Justice Marshall and Judge Story and the Court's Opinions, since, on the non-Christian interpretation of the Treaty, The U.S. constitution, by means of the Preamble thereof. By judicial notice, The United States Constitution is a lawful Treaty, and it appears that it must be interpreted lawfully and logically by the International Law of 1777 which law was Christian and NOT like non-Christian international law of today. We quote verbatim the controversial Opinion of Chief Justice Marshall, above, in the bank case, McCulloch v. Maryland, (1819), pages 208 thru 212 of the book, American Historical Documents, above, in APPENDIX, Exhibit F, at pages 24-, thereinabove.

Amendments IX, and X, and XVII, are quoted and copied verbatim in APPENDIX, Exhibit G, at pages 28-34 therein. Said Amendments IX and X and XVII do appear to also support Jurisdiction of this Court, above, and a forthcoming Petition for an Act of INTERPOSITION of the State Legislature of Montana to support the above entitled action by an Amicus Curaie Brief expounding the International Law and Jurisprudence of the Founders of our Treaty, The United States Constitution. Interposition of a State of the Union for her Citizen(s) vs. the national government formed by the above Treaty is also supported by Judge Upshur in his book, above, pages 173 -175, quoted verbatim in APPENDIX, Exhibit H, pages 38-41, therein, and by Case Law, one citation at pages 930 - 932 of Bush v. Orleans Parish ..., 188 F. Supp.916 (1960), copied verbatim in APPENDIX, Exhibit G, pages 29-, thereinabove.

Article IX of Amendments and comments of Scottsdale Attorney Richard L. Basinger, Esq., in "Ninth Amendment 'Cornerstone Of The Constitution'", Arizona Weekly Gazette, copied verbatim and entered in APPENDIX, Exhibit I, pages 44, beginning at: "However, there is within the United States Constitution an oft forgotten, ignored, or rejected amendment, which may be a 'Sleeping giant just awakening.' {3- Griswold v.

Connecticut, 381 U.S. 479, 486-499 (1964); ...; B. Patterson, The Forgotten Ninth Amendment, 1-3, 19-26 (1955) ...; K. Kelsey, The Ninth Amendment of the Federal Constitution. 11 Ind. L.J. 4, (1936)...; N. Redlich, Are there Certain Rights ... Retained by the People, 37 N.Y. L.Rev. 787, 802-812 (1962)} ... ."; quotations are continued in APPENDIX, Exhibit I, thereinabove, pages 44-47.

The Article X of Amendments, also supports Jurisdiction of this Court and for a favorable ruling in Petitioners Beckman above entitled actions in the Supreme Court of Montana and in her Seventh District Court, Sidney, Montana. To support a favorable ruling of above entitled Court, Judge Able Upshur's book, above is quoted verbatim, pages 192-198, along with Amendment X also copied in APPENDIX, Exhibit H, thereinabove, pages 41-44

The Article XVII of Amendments, also supports Jurisdiction of this Court in reference to the inherent duties and powers of each U.S. Senator's ambassadorial CHAIR which, by judicial notice of Parliamentary Law, continues today to represent each Legislature of the several Nation-States of the Union. Reference is hereby made to the 160 page book, The De Facto Government of the United States, by Charles A. Weisman, (C-1991), from Weisman Publications, Burnsville, Minnesota, MN-55337----, pages 18 thru 23, copied verbatim in APPENDIX, Exhibit J, therein, pages 47-. Quote page 22, thereof: "The 17th Amendment is a nullity since ... It is established according to another law, one designed by the corrupt powers that have controlled Washington D.C. since the Civil War. ... All senators elected by the people from1914 and after are *de facto* Senators. ... Without a lawful Senate, there can be no lawful ambassadors, Federal judges and other officers since the Senate is needed to confirm all such appointees. ... The passage of the amendment was due to the hard fight which was directed against the obstructive power' of the Senate. [12 - John Bassett, *A short History of the United States*, (1933) p. 851.]."

STATEMENT OF THE CAUSE OF ACTION

1 - The RESULTS: The first CAUSE, namely, THE NATIONAL BANK ACT caused Loss of U.S. Treasury's Power to Tax Money on Feb. 20, 1863, by the Signature of President Abraham Lincoln (1809-1865), a socialist and student of Karl Marx (1818-1883) a socialist professor (reference in APPENDIX, Exhibit K, page 55, therein) which caused Second CAUSE.

2 - Second CAUSE: Fractional-reserve-national-banking caused deficits and unnecessary public debt; said debt and deficits were solved by King Henry I (1100-1135) with TALLY STICKS (in Smithsonian) and by President Andrew Jackson (1767-1845), by refusing to charter THE SECOND BANK OF UNITED STATES predecessor of "Federal" Reserve Bank System, reference in APPENDIX, Exhibit L, pages 58-, thereinbelow; deflation of bank-created-money ("inflation") caused Third CAUSE, President Lincoln's creation and forming of the IRS bureaucracy which later used its Form 1040 Merchant Law contract to "pay income tax" to pick up surplus bank money and to discharge the interest on said national government debt to National Banks and/or to privately-owned Federal Reserve Banks. Reference is hereby made to the use of U.S. Treasury's Power to Tax Money by said Banks to buy U.S. Bonds {"... Money is certainly property, whether we regard any of its forms or any of its theories. ...", Pirie v. Chicago Title & Trust Co., 182 US 438 & 443 (1901)}. Said unnecessary "income tax" on corporations and/or on individual persons caused Third Cause.

3 - Third CAUSE: The IRS Code and its martial-law-collection of said "income tax" on individual Persons, Citizens and Freemen, of any one of the several Nation-States of the Union. It appears that the IRS, a collection agency of the International Bank owners of the "Federal" Reserve Central Bank System, without en rem, land, jurisdiction allegedly filed a "notice of federal lien", instead of the lawful common law lien, on property owned by Petitioners Beckman which action by Respondants IRS and De Facto U.S. Government caused the Fourth Cause.

4 - Fourth CAUSE: Petitioners Beckmans' loss of property and funds, reference APPENDIX, Exhibit C, pages 7-8, thereinabove, which damages caused the detriment on which the Beckmans brought suits in U.S. District Court and in

State Courts without allegedly receiving Justice and Relief which fact, by judicial notice, brings this Petition to this above entitled United States Supreme Court on grounds other than INCOME TAX COMPLAINTS, Tax issues, Tax cases in courts, and/or Tax problems, or any facet of "income tax", except that The Court has ruled said "income tax" to be only an excise tax in Brushaber v. Union Pacific R.R. Co., 240 U.S. 1; Stanton v.Baltic Mining Co., 240 U.S. 103; Flint v. Stone Tracy Co., 240 U.S. 107.

It appears that Plaintiffs-Petitioners Beckman, under American Common Law as adjudicated before A.D.1861 - 65, "The American Socialist Revolution", could have lawfully received Justice and Relief in a State Court such as The Montana Seventh Judicial District Court, Richland County, Sidney, Nation-State of Montana, which de jure Court was NOT created by Congress, reference in APPENDIX, Exhibit D, thereinabove, page 9. However, the de facto Office of the United States Attorney, Billings, Montana, allegedly quoted the present de facto United States Code for REMOVAL of Cause DV-94-033 in the Montana Court, above, to the de facto United States District Court, Billings, Division, a Congress-created court, in which court said Cause is lodged to date. Notice of Filing Motion to Remand and Motion to Remand, APPENDIX, Exhibit M, therein, at page 62, were filed, without recognizing jurisdiction by Plaintiffs-Petitioners Beckman, in the U.S. District Court, Billings Division, on April 19th, 1994, by Lou Aleksich, Jr., Clerk of the Court. Said Cause of action should now be REMANDED to the Montana State Court, above, for Justice to Beckmans, Petitioners hereinbefore, and for the Good and Justice of all Citizens, Freemen of States of the Union of these United States of North America and also for all Amendment XIV Citizens of the United States of North America.

It appears, furthermore, by Judicial Notices below, that the Defendant-Respondent United States Government, now, is in fact a De Facto Government; and, it also appears that the unpayable national debt and interest, which is controlled by Defendant-Appellant Federal Reserve Board and its "Federal" Open Market Committee, now chaired by Alan Greenspan, Respondent, a private individual, economically forcing the present

de facto United States Government to be surrendered to the "One World" United Nations Government in New York City, APPENDIX, Exhibit N, therein, page 64-, and quoting ,"The Power of Money", page 84 of National Geographic, January, 1993.

REASONS FOR GRANTING WRIT

1 - Certiorari should be granted for three (3) reasons, namely:

a - Should the Office of, and/or, the U.S. District Attorney represent a private individual or a State-chartered corporation in a court action??

b - Should The Supreme Court of State of Montana be ordered to issue a Writ of Mandamus to Montana Seventh Judicial District Court for Remand Order to U.S. District Court, an inferior, Congress-created Court ??

c - Should above entitled United States Supreme Court issue an ORDER to United States District Court, Billings Division, to REMAND the case, Beckman v. Greenspan et al, Cause No. DV-94-033, above, back to Montana Seventh Judicial District Court, Richland County??

2 - Certiorari should be granted because decisions of the Nine (9) Justices of this Court do conflict with the decisions of the Eight (8) Justices of Court before President Ulysses H. Grant (1869 - 77) "packed" The Court from Eight to Nine Justices to overturn "Legal Tender Cases" to make paper money legal tender to please International Banks of Europe, some of which owned National Banks and presently own and control the Federal Reserve Banks, a Central Bank of U. S.; and now, the U.S. Justice Department cites said "Cases" to support Defendant-Respondent IRS which Justice represents and which was created to pick up surplus "inflationary" paper money, National Bank Notes, emitted by Banks chartered under The National Bank Act of 1863; and now, IRS "taxes" "inflationary" bank-created-credit, checkbook money, out of circulation to stop "inflation" to stabilize, or stop deflation of the paper "dollar", a Merchant Law trading certificate efficaciously called "Federal Reserve Note". To support the Treaty between the States, United States Constitution, as it was

interpreted by Christian International Law before President Grant "packed" the U.S. Supreme Court with an extra Justice, the following cases on money and taxes should be returned to the original Decisions of the Court: Return O'Malley v. Woodrough, 307 U.S. 277 (1938), back to Evans v. Gore, 253 U.S. 245 (1920), which would free U.S. Judges from the Martial Law tactics of the "Mossadic" Internal Revenue Service. Return Julliard v. Greenman, 110 U.S. 421 (---), and Knox v. Lee, 12 Wallace 552 (----) back to Hepburn v. Griswald, 8 Wallace 634 (----). It appears that Justice Dept. of the U.S. cites these cases to support the IRS's claim that "Federal Reserve Notes" are legal tender for trading labor for compensations; the term, "income", can only be used correctly on corporation accounts according to the cases of Brushaber v. Union Pacific R.R., 240 U.S. 1, and Stanton v. Baltic Mining Co., 240 U.S. 103, above cited.

3 - Certiorari should be granted because it appears that neither the Congress nor the United States Government, by the International Law of 1776, could give sovereign Tax-Money-power, emitting paper money, to a foreign-controlled National Central Bank, the 12 Federal Reserve Banks which "power" was delegated from the several Nation-States only to the U.S. Treasury. Presently, by International Law of 1776, said "power", should revert back to the several Nation-States ; to date however, only the Nation-State of Louisiana has dared to use said, "power", under leadership of the late, U.S. Senator Huey P. Long, a patriot, and official Representative of the State Legislature of the Nation-State of Louisiana.

4 - REASONS FOR NOT GRANTING WRIT: Any Opinion or Ruling on any facet of the socialist "Income Tax", on Amendment XVI, on de facto U. S. Code after A.D.1863, on any Treaties after A.D.1863, and on de jure or de facto government since A.D.1863.

5 - When and if, perchance, The Court chooses NOT to rule on the Three Issues of this action, above, this Petition for a Writ of Certiorari shall be appealed to the CHAIRS of our "House of Lords", the de facto United States Senators, who sit in the Chairs representing the fifty (50) Nations, States of our Union. It appears since A.D.1863, by logical reasoning, and by Judicial

Notice, below, that the United States Supreme Court has acted like Great Britain's supreme court which accepts all cases with the rule that all cases may be appealed to the British House of Lords for the final Court Decision.

JUDICIAL NOTICES

Judicial Notice is hereby given as follows:

1 - To support above Jurisdiction of this Court in this Petition for Writ of Certiorari, it is noted that the Treaty With Great Britain (1784) named all 13 American Colonies separately as "States [Nations]" APPENDIX, Exhibit E, page 14 thereinabove.

2 - The original Preamble to the Treaty, United States Constitution, named all 13 Nations, also; therefore, the term, "We, the People of the United States, ...", historically means The sovereign People, Freemen, of each of the several States, originally and now presently in A.D.1994. Today, the nationalists and socialists quote Chief Justice Jay and Judge Story to claim the United States as a "Nation" with a National U.S.Government above and over all territory of the several Nation-States; however, we quote Judge Upshur, pages 92 & 93 which are copied in APPENDIX, Exhibit H, page 34 thereinabove, to give judicial notice to prove the original, above, and that the Montana Courts are de jure and above the de facto "U.S. District Courts" which under color of de jure and/or martial law, now claim jurisdiction and duty to REMOVE Cause No. DV-94-033 in Montana Seventh Judicial District Court to the de facto "U.S. District Court, Billings Division".

3 - The subject matter of this Petition for Writ of Certiorari is proper for a cause of Plaintiffs-Petitioners Beckman asking their State, Montana, to INTERPOSE herself in behalf of her Citizens, the Beckmans, by entering at least an Amicus Curiae Brief. Part of page 174 of JudgeUpshur copied in APPENDIX, H, page 38 thereinabove.

4 - "Judicial notice is also taken of any matters of public history affecting the whole people, and also public matters affecting the government of the nation, or of their own particular state or district; ...; of legal weights and measures; 4 Tenn.314; and coins; ...; the character of the general circulating medium, and the public language in reference to it; 3 Monr. 149; but not the current VALUE of the notes of a bank at any particular time; ..." (underline & caps added), page 174, Bouvier's Law Dictionary, Student's Ed., 1928, reference APPENDIX, Exhibit N, page 66 thereinabove.

5 - Note above: judicial notice can NOT be given concerning the "VALUE" of bank notes; no official VALUE has been, or can be, set for NATIONAL BANK NOTES or FEDERAL RESERVE NOTES, "Bills of Credit", in fact, negotiable tax receipts, Ref: APPENDIX, Exhibit L, page 60, thereinabove. The chartering of the Bank of England in A.D.1694 to the Rothchild family of Khazar bankers began the problem of fluctuating fractional-reserve bank notes and "demand accounts", check-book money; their market value fluctuates in accordance with the control of debt-interest-rates, "prime rate", and the sale and purchase of U.S. Bonds for bank-reserves by the "Federal" Open Market Committee. Said Committee is Chaired by Alan Greenspan, formerly by Paul Volker, and controlled by Committee Members the Presidents of privately-owned Federal Reserve Banks: E. Gerald Corrigan, Wayne D. Angell, Edward G. Boehne, Silas Krehn, Edward W. Kelley, Jr., John P. LaWare, Lawrence B. Lindsey, Robert D. McTeir, Jr., David W. Mullins, Jr., Susan M. Phillips, and Gary H. Stern, President of Federal Reserve Bank of Minneapolis of which Delbert W. Johnson, is Chairman and Federal Reserve Agent with offices at 400 N. Park Ave., Helena, Montana 59601-----. 406=442-3860.

6 - Judicial notice can be given to the fact that Economist Alan Blinder has been recently "approved" by "voice vote" of the U.S. Senators, as a member and vice-chairman of the seven-member Federal Reserve Board, Defendant-Respondent; and now, Alan Binder sits in "chair" of Vice-Chairman David W. Mullins, Jr., other members of Board of Governors of the "Federal Reserve System" are: Chairman Alan Greenspan, Defendant-Respondent,

Wayne D. Angell, Edward W. Kelley, Jr., John P. LaWare, Lawrence B. Lindsey, and Susan M. Phillips, all of whom are on "Federal" Open Market Committee, above, which is recognized by some Economists, and Politicians, and the knowledgeable Public as the absolute Economic Dictator of these United States, our constrained and stipendiary Country. 7 - Judicial notice is now recognized by the Public in and through the news media that reports the RESULTS of lawlessness of our, in fact, De Facto U.S.. Government ; and, it appears by the NEWS that our Country, We the People of the several States, are ready to make a determined revival to the Christian Economic Foundation of our Country (English term for People) like we did in A.D.1776. Reference is hereby made to the State of Colorado H. J. R.- 94-1035 - in APPENDIX, Exhibit O, page 67, therein.

CASE LAW and POINTS

1 - Quote: Lewis v. United States, 680 F.2d 1239, 1241-1243 (1982) - "Each Federal Reserve Bank is a separate corporation owned by commercial banks in its region. ... The Federal Reserve Board regulates the Reserve Banks, ...". "For these reasons we hold that the Reserve Banks are not federal agencies ...".

2 - Quote: Valley Forge College v. Americans United ..., 454 US 472, (1982), - "..., Art III requires the party who invokes the court's authority to 'show that he personally has suffered some actual or threatened injury ... '". Reference APPENDIX, Exhibit C, page 1-8, hereinabove.

CASE LAW,: Duty of U. S. Attorney to Remand:

3 - Quote: Berger v. United States, 295 US 78 (1935), - "..., but that justice shall be done. ...".

4 - Quote: Book - Law of Federal Courts by Wright, 3rd Ed. (1976) - "... If the motion to remand is denied, ...". Note 14; and, "... if federal jurisdiction is doubtful the case should be remanded." Note 18. - Pages 167 & 168.

5 - Quote: U.S. v. Rice, 90 L. Ed. 982, (1946), - "...It may be arguable, as a matter of policy, that in giving the government the right to intervene and remove a cause from a state court, it should also have given the right, not allowed to private litigants (Note:

underline), to have orders of remand reviewed in the appellate courts. ... .". It appears that the Act of 1887 was passed by a de facto Congress; therefore, said Act is "arguable", above. Also quote: Donovan v. City of Dallas, 84 S.Ct. 1579 (1964) - "... . An exception has been made in cases where a court has custody of property, that is, proceedings in rem or quasi in rem. In such cases this Court has said that the state or federal court having custody of such property has exclusive jurisdiction to proceed. ... .".

6- Quote: ASARCO Inc. v. KADISH, 490 us 605, 6L9, (1989), - "..., the proper course is to vacate the judgment below and remand for appropriate further proceedings, ...". and: "... state courts are not bound by Article III and yet have it within both their power and their proper role to render binding judgments on issues of federal law, subject only to review by this Court.". and: "... This case is not one committed to the exclusive jurisdiction of the federal courts. ... ."

7 - Quote: MOORE v.SIMS, 60 L. Ed2d 994, 1006 & 1007, (1977), - Quoting Mr. Justice Frankfurter: "... Few public interests have a higher claim on the discretion of a federal chancellor that the avoidance of needless friction with state policies, ...". And: "The seriousness of federal judicial interference with state civil functions has long been recognized by this Court. ... '". and: "In sum, the only pertinent inquiry is whether the state proceedings afford a adequate opportunity to raise the constitutional claims, and Texas law appears to raise no procedural barriers. ... .". And, neither does Montana law.

8 - O'Malley v. Woodrough, 307 U.S. 277 (1938), Justice Frankfurter overturned the Evans case, below, in which the Court ruled that U.S. District Judges were not required to give "income tax" on their salaries.

9 - Evans v. Gore, 253 U.S. 245, (1920), Justice Van Devanter ruled that U.S. Constitution gave freedom to U.S. Judges to rule without coercion from the IRS.

10 - Brushaber v. Union Pacific R.R. Co., 240 U.S. 1, (1916), The Court ruled that only corporations had income and that the Congress only intended to tax corporations.

11 - Stanton v. Baltic Mining Co., 240 U.S. 103, (1916), Again, Congress did not

intend to tax individual persons directly by measuring any so-called "income". Title 26 of
USC was intended only for persons who declared themselves to be "resident taxpayers".

12 - Long v. Rasmussen, 281 F. 236 at 238, (1922), The Court recognized and ruled that individual persons, "not required", are classed as "nontaxpayers". Reference in book: THE BEST KEPT SECRET, pp.11-13, (1986) by Otto Skinner, San Pedro, CA-90734——.

13 - Economy Plumbing v. U.S., 470 F.2d 585 at 589, (1972), Again the Court ruled that some Citizens are "nontaxpayers"; it appears that Petitioners, Beckman, are nontaxpayers; whereas, the media uses misinformation by labeling them "tax protesters". Ref: above book, The Best Kept Secret by otto Skinner.

CASES SUPPORTING LAWFUL JURISDICTION OF STATE COURTS

14 - McKinney v. Gannett Co., 694 F.2d 1240 at 1245, "State Courts only have jurisdiction; federal courts must dismiss on own motion".

15 - Firestone T. & R. Co. v. Risjord, 449 U.S. 368, "Federal court lacks discretion to consider merits".

16 - Smith v. U.S., 254 F.2d 865, "If property to which lien attached is under jurisdiction of another court, government must submit to that court even if the latter is a [S]tate court.".

17 - U.S. Benson, 495 F.2d at 481, (1974), Federal jurisdiction is only over its own property - Article I, Section 8, Clause 17, U.S. Constitution - notwithstanding 18 USC Sec. 3231. Also, the following cases support State Court jurisdiction in and over State territory: Ft. Leavenworth Ry. Co. v. Lowe, 114 U.S. 525, (1885); U.S. v. Watson, 80 F. Supp.649, (1948); Pendleton v. State, 734 P.2d 693, (1987); U.S. Bevans, 16 U.S. 336 (3 Wheaton), (1818); People v. Godfrey, 17 Johns 225, at 233: Bowen v.Johnston, 306 U.S. 19, (1939; U.S. v. Fox, 94 U.S. 315. at 320-21, (1877).

18 - Bush v. Orleans Parish ..., 188 F. Supp. 916, 930-932 (1960), Reference: APPENDIX, Exhibit G, pages 29-31.

It appears that the above cursory research of case law substantiates a review by this Court and for a COURT ORDER TO REMAND above entitled Cause No. DV-94-033 to the Montana Seventh Judicial District Court, Richland County, Sidney, Montana, from the United States District Court, Billings Division, Case No.CV-94-41-BLG-PGH. It also appears that this controversy is proper matter to petition the Legislature of the State of Montana for her act of Interposition to support her Citizens, Martin J. and Earlene H. Beckman, Freemen and Nontaxpayers by Amendments IX & X, Magna Carta, in this above entitled action in accordance with facts, judicial notices, and law, above.

CONCLUSION

For reasons and research set forth above, a Writ of Certiorari should issue to review the decision, judgment, and opinion of the Supreme Court of the State of Montana, and/or for an Order to the U. S. District Court, Billings Division, to Remand Cause No. DV-94-033, above, to the Montana Seventh Judicial District Court, Richland County, Sidney, Montana.

DATED: Nov 14 1994, A.D.1994.

Respectfully requested, en propria persona,

Martin J. Beckman + Earlene H. Beckman

Martin J. Beckman & Earlene H. Beckman,
Plaintiffs-Petitioners, Per Se,
3445 Tigard Ave., Billings, Mt-59101-----, or
P.O. Box 1544, Billings, MT-59103-1544.--
Telephone: 406=252-5909-

VERIFICATION

STATE OF MONTANA)
(s.s.
COUNTY OF YELLOWSTONE)

I certify that on the 14 day of Nov, 1994, before me the subscriber, a Notary Public of the State and County, above, Personally appeared the Petitioners, Martin J. Beckman and Earlene H. Beckman, husband and wife, in Cause No. DV-94-033, and made affirmation in due form of law that the matters and facts set forth in the foregoing document, PETITION FOR A WRIT OF CERTIORARI, and in a separate document, APPENDIX with EXHIBITS, numbered, thereinabove signed by Petitioners, and said affirmation are true to the best of Affiants' knowledge, information, and belief.

DATED: Nov 14, 1994. As witness my hand and NOTARY SEAL,

NOTARY PUBLIC In and for STATE and COUNTY, above.

My commission expires Sept. 23, 97

Supreme Court, U.S.
FILED

94 997 AUG 11 1994

OFFICE OF THE CLERK

No. _____

IN THE
SUPREME COURT OF THESE UNITED STATES

OCTOBER TERM 1994

MARTIN J. BECKMAN, ET UX, EARLENE H.
PETITIONERS, EN PROPRIA PERSONA,
VS.
ALAN GREENSPAN, CHAIRMAN, AND THE
FEDERAL RESERVE BOARD, AND
MARGARET RICHARDSON, COMMISSIONER
OF INTERNAL REVENUE, AND THE
DE FACTO UNITED STATES GOVERNMENT,
RESPONDENTS.

APPENDIX TO
PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF MONTANA

Petitioners en pro per,
Martin J. Beckman and
Earlene H. Beckman,
3445 Tigard Ave.,
Billings, Montana, MT-59101-----,or
P.O. Box 1544,
Billings, Mt-59103-1544
406=252-9509

10 pp

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"FEDERAL JURISDICTION' in FDA case ..... D 9-13

Jurisdiction: by U.S. Constitution,

Amendments IX, X, & XVII .. .... G 23-24

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Treaty of Paris, Am. Hist. Doc., Vol.43, pp.174, 175 E 14-16

Articles of Confederation Perpetual Union, p. 158, 159 E 16-18

Preambles - Two (2) - to the Treaty, U.S. Constitution F 18-24

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__APPENDIX__

EXHIBIT - A -

: In the Supreme Court of The State of Montana

No. 94-217

Order: Filed May 17, 1994 by Ed Smith, Clerk of Supreme Court, State of Montana On May 5, 1994, petitioners Beckman filed with this Court an Application for Writ of Mandamus. No supporting brief or memorandum of legal arguments and authorities was filed with the Application; none has been filed since that time.

IT IS ORDERED that the Application for Writ of Mandamus is dismissed.

The Clerk is directed to mail a true copy of this Order to petitioners Beckman, personally, to the Clerk of the Seventh Judicial District Court, Richland County, and to Lorraine D. Gallinger, Assistant U.S. Attorney for the District of Montana.

DATED this 17 th of May, 1994.

_____"S/

_____ " _____

Chief Justice, J. A. Turnage

_____"S _____"_____

John Conway Harrison

_____"S _____"_____

Karla M. Gray

_____"S_____" _____

William E. Hunt Sr.

_____"?"_____

Justice, Terry N. Trieweiler

_____"?"_____

Justice, James C. Nelson

_____"S_____"_____

Justice, Fred Weber

(Only 6 Justices signed document)

End of EXHIBIT A

EXHIBIT B:
REGISTER OF ACTIONIN THE SUPREME COURT OF THE STATE OF MONTANA

CASE NUMBER: 94-217 *CLOSED* 05/17/94
Records checked out to:
Fee: $75.00 Paid: check #7223
Due:
Date: 05/10/94 By Whom: Beckman
Title of Case:
MARTIN J. BECKMAN, EARLENE H. BECKMAN, Plaintiffs,

vs.
ALAN GREENSPAN, Chairman, and Federal Reserve Board, and MARGARET RICHARDSON, Comm. of Internal Revenue, and De Facto United States Government, Defendants.
Type of Appeal: Civil-
Appellants Attorneys:
Respondents Attorneys:
Martin J. Beckman Sherry Scheel Matteucci, U.S. Attorney
Earlene H. Beckman Lorraine D. Gallinger, Assistant
P.O. Box 1544
P.O. Box 1478
Billings, MT 59103
Billings, MT 59103
Information:
Hon. Joseph P. Mazurek, Attorney Gen.
James Scheier, Assistant
Justice Bldg.
Helena, MT 59620
Information: 444-2026
Page 1 of 2

DATE REGISTER OF ACTION
ID

05/05/94 Application for writ of Mandamus,
copies to Court
jh
05/17/94 Order; the application for writ of
mandamus is dismissed.
JH
CLOSED
05/19/94 Appellant's brief filed, copies to court.
rr
Page 2 of 2
End of EXHIBIT B

EXHIBIT C:

1994 Billings Gazette March 3, 1994

By Nick Ehli of the Gazette Staff

JUDGE: GET OFF LAND

Tax Protester (Not So! "Red" is an official Nontaxpayer; The congress never intended to directly tax a freeman of Montana!) Dispute.

Billings tax protester Red Beckman has a month to vacate 20 acres of property that was seized by the Internal Revenue Service or face eviction by the Yellowstone County sheriff, a District Court judge ruled Wednesday.

"No person is above the law," wrote District Court Judge Russell Fillner in a 16-page order.

"Neither the Beckmans, nor this court, have a choice. The Beckmans must surrender possession of the property," Fillner wrote.

The order gives Beckman and his wife, Earlene, until April 3 to leave the property on North Frontage Road, which the IRS sold in 1979 to pay taxes it claims were owed by the Beckmans.

. The former candidate for governor also asserts that he has been denied due process by never having the opportunity to question the IRS in a court of law before a jury of his peers.

In his order Wednesday, however, Judge Fillner sided with Getter Trucking writing that the District Court does have jurisdiction over the ownership of the land.

"It has been recognized for nearly one hundred years in Montana that Montana's district courts have jurisdiction to determine and enforce interests in real property within the state," the order says.

"The court's jurisdiction is not dependent upon the Beckmans; consent, nor upon any 'common law jury verdict.' The court's jurisdiction derives from the fact that the property is located within the State of Montana.

EXHIBIT C continued--

EXHIBIT C:

The Billings Gazette May 22, 1994

BECKMAN CAN'T GO HOME AGAIN RAZED TAX RESISTER'S HOUSE TORN DOWN AFTER EVICTION

By Pat Bellinghausen of the Gazette Staff

On Saturday morning, heavy machinery razed the house tax protester Red Beckman was evicted from 24 hours earlier as the property owner cleared the long-disputed land.

Demolition crews went to work about 9 a.m. Saturday to tear down the house where Beckman and his wife, Earlene, had lived.

Contents of the house and out buildings had been removed earlier by Getter Trucking Inc. Profit Sharing Plan, which purchased the 20 acres along North Frontage Road in 1979 from the federal government. The company has been in court ever since trying to get possession while the Beckmans continued to occupy the land. The government sold the property because Beckman didn't pay taxes the IRS said he owed...

End of EXHIBIT C---

EXHIBIT D---

FEDERAL JURISDICTION

F.D.A. Case # _??____

...Notwithstanding the clarity of this simple principle, the line of demarcation between these two jurisdictions and the extent and reach of each has become somewhat blurred, due to popular misconceptions and the efforts expended by the federal government to conceal one of its major weaknesses. Only by resorting to history and case law can this obfuscation be clarified and the two distinct jurisdictions be readily seen.

The original thirteen colonies of America were each separately established by charters from the English Crown. Outside of the common bond of each being a dependency and colony of the mother country, England, the colonies were not otherwise united. Each had its own governor, legislative assembly and courts, and each was governed separately and independently by the English Parliament.

The political connections of the separate colonies to the English Crown

and Parliament descended to an unhappy state of affairs as the direct result of Parliamentary acts adopted in the late 1760's and early 1770's.

Due to the real and perceived dangers caused by these various acts, the First Continental Congress was convened by representatives of the several colonies in October, 1774, the purpose of which was to submit a petition of grievances to the British Parliament and Crown. By the Declaration and Resolves of the First Continental Congress, dated October 14, 1774, the colonial representative labelled these Parliamentary acts of which they complained as "impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous and destructive of American rights," and the purpose of which were designs, schemes and plans "which demonstrate a system formed to enslave America." Revolution was assuredly in the formative stages absent conciliation between the mother country and colonies.

Between October, 1775, and the middle of 1776, each of the colonies separately severed their ties and relations with England, and several adopted constitutions for the newly formed States. By July, 1776, the exercise of British authority in any and all colonies was not recognized in any degree.

The capstone of this actual separation of the colonies from England was the more formal Declaration of Independence.The legal effect of the Declaration of Independence was to make each new State a separate and independent sovereign over which there was not other government of superior power or

jurisdiction. This was clearly shown in M'Ilvaine v. Coxe's Lessee, 8 U.S. (4 Cranch) 209,212 (1808), where it was held:

"This opinion is predicated upon a principle which is believed to be undeniable, that the several states which composed this Union, so far at least as regarded their municipal regulations, became entitled, from the time when they declared themselves independent, to ail the rights and powers of sovereign states, and that they did not derive them from concessions made by the British king.

The Treaty of Paris contains a recognition of their independence, not a grant of it. From hence it results, that the laws of the several state governments were the laws of sovereign states, and as such were obligatory upon the people of such state, from the time they were enacted. And a further expression of similar import is found in Harcourt v. Gaillard, 25 U.S. (12 Wheat.) 523, 526, 527 (1827), where the Court stated:

"There was no territory within the United States that was claimed in any other right than that of some one of the confederated states; therefore, there could be no acquisition of territory made by the United States distinct from, or independent of some one of the states."Each declared itself sovereign and independent, according to the limits of its territory. "(T)he soil and sovereignty within their acknowledged limits were as much theirs at the declaration of independence as at this hour."Thus, unequivocally, in July, 1776, the new States possessed all sovereignty, power, and jurisdiction over all the soil

and persons in their respective territorial limits.

This condition of supreme sovereignty of each State over all property and persons within the borders thereof continued notwithstanding the adoption of the Articles of Confederation. In Article II of such Articles, it was expressly stated:

> "Article II. Each state retains its sovereignty, freedom, and independence,and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled."

As the history of the confederation government has shown, each State was indeed sovereign and independent to the degree that it made the central government created by the confederation fairly ineffectual. These defects of the confederation government strained the relations between and among the States and the remedy became the calling of a constitutional convention.

The representatives which assembled in Philadelphia in May, 1787, to attend the Constitutional Convention met for the primary purpose of improving the commercial relations among the States, although the product of the Convention produced more than this. But, no intention was demonstrated for the States to surrender in any degree the jurisdiction so possessed by the States at that time, and indeed the Constitution as finally drafted continued the same territorial jurisdiction of the States as existed under the Articles of Confederation. The essence of this retention of state jurisdiction is embodied in Article I, Section 8, Clause

17 of the U.S. Constitution, which reads as follows:

> "To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.":

End of EXHIBIT D

EXHIBIT E:

AMERICAN HISTORICAL DOCUMENTS
1000 - 1904

With Introductions and Notes--Volume 43---The Harvard Classics Edited by Charles W. Eliot, LL.D.

TREATY WITH GREAT BRITAIN---(1783)

(Less than five months after the surrender of Cornwallis, the British Parliament passed an act to enable the king to make peace till July 1783. In the end of November, 1782, a provisional treaty was signed, the negotiations on behalf of Congress having been conducted by Benjamin Franklin, John Adams, John Jay, and Henry Laurens. On September 3, 1783, this treaty was made definitive in the form here printed, and the complete independence of the American States acknowledged by Great Britain.)Definitive Treaty of Paris between the United States of America and His Britannic Majesty, Concluded at Paris, September 3, 1783; Ratified by Congress, January 14, 1784; Proclaimed, January 14, 1784.

In the name of the Most Holy and Undivided Trinity.It having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince George the Third, by the Grace of God King of Great Britain, French, and Ireland, Defender of the Faith, Duke of Brunswick and Luneburg, Arch-Treasurer and Prince Elector of the Holy Roman Empire, &c., and of the United States of America, to forget all past misunderstandings and ifferences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal

advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony: And having for this desirable end already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris on the 30th of Nov., 1782 by the commissioners empowered on each part, which articles were agreed to be inserted in and to constitute the treaty of peace proposed to be concluded between the Crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and His Britannic Majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded, His Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say, His Britannic Majesty on his part, David Hartley, esqr., member of the Parliament of Great Britain; and the said United States on their part, John Adams, esqr., late commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the State of Massachusetts, and chief justice of the said State, and Minister Plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, esq're, late Delegate in Congress from the State of Pennsylvania, president of the convention of the said State, and Minister Plenipotentiary from the United States of America at the Court of

Versailles; John Jay, Esq're, late President of Congress, and Chief Justice of the State of New York, and Minister Plenipotentiary from the United States at the Court of Madrid, to be the Plenipotentiaries for the concluding and signing the present definitive treaty; who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles:

ARTICLE I

His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent states; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the Government, proprietory and territorial rights of the same, and every part thereof.... .

ARTICLES OF CONFEDERATION
(1777)

[The same continental congress which passed the Declaration of Independence, appointed a committee "to prepare and digest the form of confederation to be entered into between these colonies." On July 12, 1776, the committee reported a draft of these articles; and after many changes the congress adopted them on November 15, 1777. They did not, however, become operative till they had been adopted by all the individual states, the last of which, Maryland, finally consented on March 1, 1781. The articles were superseded by the Constitution in 1789.]

TO ALL TO WHOM THESE PRESENTS SHALL COME, WE THE UNDERSIGNED DELEGATES OF THE STATES AFFIXED TO OUR NAMES SEND GREETING.

Whereas, the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the year of our Lord One Thousand Seven Hundred and Seventy-seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina and Georgia in the Words following, viz.

"Articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia."

Article I. The stile of this confederacy shall be "The United States of America."

Article II. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

Article III. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of

them, on account of religion, sovereignty, trade, or any other pretence whatever.

Article IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade, and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any State, on the property of the United States, or either of them.

End of EXHIBIT E

EXHIBIT F:

.... The history of the preamble itself ought to have convinced our author, that the inference which he draws from it could not be allowed. On the 6th of August, 1787, the committee appointed for that purpose reported the first draft of a Constitution. The preamble was in these words: "We, the people of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, do ordain, declare and

establish the following Constitution, for the government of ourselves and our posterity." (1 Elliott's Debates, 255.)

On the very next day this preamble was unanimously adopted; and the reader will at once perceive, that it carefully preserves the distinct sovereignty of the States, and discountenances all idea of consolidation. (1b. 263.) The draft of the Constitution thus submitted was discussed, and various alterations and amendments adopted, (but without any change in the preamble,) until the 8th of September, 1787, when the following resolution was passed:

"It was moved and seconded to appoint a committee of five, to revise the style of, and arrange the articles agreed to by, the House; which passed in the affirmative." (1b. 324.)

It is manifest that this committee had no power to change the meaning of anything which had been adopted, but were authorized merely to "revise the style," and arrange the matter in proper order. On the 12th of the same month they made their report. The preamble, as they reported it, is in the following words:

"We, the people of the United States, in order to form a more perfect union,* to establish justice, insure domestic tranquility, provide for the common defence,

*The phrase "to form a more perfect union" has been sometimes quoted to prove that the new Constitution was designed to alter fundamentally the confederate nature of the Union. But it is surprising that any gentleman capable of comprehending the force of language should make such a mistake as to imagine that the phrase "more perfect union" implied a consolidation of the States.

Union and Consolidation are words of a very different signification. The object was not to sink the Union in consolidation, but to "form a more perfect Union." The name of our federation is not CONSOLIDATED STATES, but UNITED STATES. A number of States held together by coercion, or the point of the bayonet, would not be a UNION. Union is necessarily voluntary-the act of choice, free association. Nor can this VOLUNTARY system be changed to one of force without the destruction of "THE UNION." The Austrian Empire is composed of several States, as the Hungarians, the Poles, the Italians, etc., but it cannot be called a UNION-it is a DESPOTISM. Is the relation between Russia and bayonet-held Poland a UNION? Is it not an insult and a mockery to call the compulsory relation between England and Ireland a UNION? In all these cases there is only such a union as exists between the talons of the hawk and the dove, or between the jaws of the wolf and the lamb. A UNION OF STATES necessarily implies separate sovereignties, voluntarily acting together. And to bruise these distinct sovereignties into one mass of power is, simply, to destroy the Union - to overthrow our system of government. The Supreme Court has always been clear enough on this point: "No political dreamer was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American people into one common mass. Of consequence, when they act, they act in their States." (4 Wheaton, 403; McCullough v. Maryland)--C.C.B.
promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish

this Constitution for the United States of America." (1b. 326.) It does not appear that any attempt was made to change this phraseology in any material point, or to reinstate the original. The presumption is, therefore, that the two were considered as substantially the same, particularly as the committee had no authority to make any changes except in the style.

The difference in the mere phraseology of the two was certainly not overlooked; for on the 13th September, 1787, "it was moved and seconded to proceed to the comparing of the report from the committee of revision, with the articles which were agreed to by the House, and to them referred to for arrangement; which passed in the affirmative. And the same was read by paragraphs, compared, and, in some places, corrected and amended," (1b. 338.) In what particulars these corrections and amendments were made, we are not very distinctly informed.

The only change which was made in the preamble, was by striking out the word "to," before the words "establish justice;" and the probability is, that no other change was made in any of the articles, except such as would make "the report of the committee of revision" correspond with the articles agreed to by the House." The inference, therefore, is irresistible, that the convention considered the preamble reported by the committee of revision, as substantially corresponding with the original draft, as unanimously "agreed to by the House."

There is, however, another and a perfectly conclusive reason for the change of phraseology, from the States by name, to the more general expression "the

United States;" and this, too, without supposing that it was intended thereby to convey a different idea as to the parties to the Constitution.

The revised draft contained a proviso, that the Constitution should go into operation when adopted and ratified by nine States. It was, of course, uncertain whether more than nine could adopt it or not, and if they should not, it would be altogether improper to name them as parties to that instrument. As to one of the, Rhode Island, she was not even represented in the convention, and, consequently, the others had no sort of right to insert her as a party. Hence it became necessary to adopt a form of expression which would apply to those who should ratify the Constitution, and not to those who should refuse to do so. The expression actually adopted answers that propose fully.

It means simply: "We, the people of those States who have united for that purpose, do ordain, " &c. This construction corresponds with the historical fact, and reconciles the language employed with the circumstances of the case. Indeed, similar language was not unusual, through the whole course of the Revolution. "The people of His Majesty's colonies," "the people of the united colonies," "the people of the United States," are forms of expression which frequently occur, without intending to convey any other idea than that of the people of the several colonies or States.

It is, perhaps, not altogether unworthy of remark, in reference to this inquiry, that the word "people" has no plural termination in our language. If it had, the probability is that the expression would have been "we, the

peoples," conveying, distinctly, the idea of the people of the several States. But, as no such plural termination is known in our language, the least that we can say is, that the want of it affords no argument in favor of the author's.

POPULAR PREAMBLE TO THECONSTITUTION OF THE UNITED STATES (1787)

(On May 25, 1787, fifty-five delegates from the various States met in Philadelphia to discuss the drawing up of a Constitution to take the place of the Articles of Confederation. Washington presided; and, after a long struggle and many compromises, the resultant document was referred to the several States on September 28 of the same year. By June 21, 1789, the required nine out of the thirteen States had ratified it, and the new federal government was established at New York on April 30, 1789. The dates of the amendments are as follows: I-X, Nov. 3, 1791; XI, Jan. 8, 1798; XII, Sept. 25, 1804; XIII, Feb. 1, 1865; XIV, July 28, 1868; XV, March 30, 1870; XVI, Feb. 25, 1913; XVIII, Jan. 29, 1919; XIX, Aug. 26, 1920.)

We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessing of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION FOR THE UNITED STATES OF AMERICA.

ARTICLE I

PREAMBLE TO BILL OR RIGHTS (DUTIES)

"CONGRESS OF THE UNITED STATES, begun and held at the City of, New York, on Wednesday, the fourth of, March, one

thousand seven hundred eighty nine (1789),

The conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution:

Resolved, by the SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA in Congress assembled, two thirds of both Houses concurring. That the following Articles be 0roposed to the Legislatures of the several States, as Amendments to the Constitution of the United States: all, or any of which articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.

Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several states, pursuant to the fifth Article of the Original Constitution."

(The ten articles of the Bill of Rights follow.)

OPINION OF CHIEF JUSTICE MARSHALL IN THE CASE OF McCulloch VS. THE STATE OF MARYLAND (1819)

[John Marshall (1775-1835), third Chief Justice of the Supreme Court of the United States, and the greatest of American judges, laid down in the following opinion certain principles which have come to be accepted as fundamental in all questions touching the

respective powers of the Federal government and the State legislatures.

In 1816, Congress had incorporated the Bank of the United States; and in 1818, the legislature of Maryland had passed a law taxing "all Banks, or branches thereof, in the State of Maryland, not chartered by the legislature." The purpose of this law was to prevent the United States Bank from doing business in the State. McCulloch, the Cashier of the Baltimore branch, refused to pay the tax, was sued in the State courts, and lost.

The case was appealed to the United States Supreme Court, where the Maryland decision was unanimously reversed. Chief Justice Marshall, in writing the opinion of the court, is regarded as having established certain principles on which depend "the stability of our peculiar dual system of national and local governments."]

Mr. Chief Justice Marshall delivered the opinion of the Court.

In the case now to be determined, the defendant, a sovereign State, denies the obligation of a law enacted by the legislature of the Union, and the plaintiff, on his part, contests the validity of an act which has been passed by the legislature of that State. The constitution of our country, in its most interesting and vital parts, is to be considered; the conflicting powers of the government of the Union and of its members, as marked in that constitution, are to be discussed; and an opinion given, which may essentially influence the great operations of the government.

No tribunal can approach such a question without a deep sense of its importance, and of the awful

responsibility involved in its decision. But it must be decided peacefully, or remain a source of hostile legislation, perhaps of hostility of a still more serious nature; and if it is to be so decided, by this tribunal alone can the decision be made. On the Supreme Court of the United States has the Constitution of our country devolved this important duty.

The first question made in the cause is, has Congress power to incorporate a bank? [Not to privately tax people (Pet. emph.)]

It has been truly said, that this can scarcely be considered as an open question, entirely unprejudiced by the former proceedings of the nation respecting it. The principle now contested was introduced at a very early period of our history, has been recognize by many successive legislatures, and has been acted upon by the judicial department, in cases of peculiar delicacy, as a law of undoubted obligation.

It will not be denied that a bold and daring usurpation might be resisted, after an acquiescence still longer and more complete than this. But it is conceived that a doubtful question, one on which human reason may pause, and the human judgment be suspended, in the decision of which the great principles of liberty are not concerned, but the respective powers of those who are equally the representatives of the people, are to be adjusted; if not put at rest by the practice of the government, ought to receive a considerable impression from that practice. An exposition of the Constitution, deliberately established by legislative

acts, on the faith of which an immense property has been advanced, ought not to be lightly disregarded.

The power now contested was exercised by the first Congress elected under the present Constitution. The bill for incorporating the bank of the United States did not steal upon an unsuspecting legislature, and pass unobserved. Its principle was completely understood and was opposed with equal zeal and ability. After being resisted, first in the fair and open field of debate, and afterwards in the executive cabinet, with as much persevering talent as any measure has ever experienced, and being supported by arguments which convinced minds as pure and as intelligent as this country can boast, it became a law. the original act was permitted to expire; but a short experience of the embarrassments to which the refusal to revive it exposed the government, convinced those who were most prejudiced against the measure of its necessity, and induced the passage of the present law. It would require no ordinary share of intrepidity to assert that a measure adopted under these circumstances was a bold and plain usurpation, to which the Constitution gave no countenance.

These observations belong to the cause; but they are not made under the impression that, were the question entirely new, the law would be found irreconcilable with the Constitution.

In discussing this question, the counsel for the State of Maryland ;have deemed it of some importance, in the construction of the Constitution, to consider that instrument not as emanating from the people, but as the act of sovereign and independent States. [Pet.

Emph.] The powers of the general government, it has been said, are delegated by the States, who alone are truly sovereign; and must be exercised in subordination to the States, who alone possess supreme dominion.

End of EXHIBIT F

EXHIBIT G:

AMENDMENT XVII---Popular Election of Senators

[Section 1.] The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

[Section 2.] When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

[Section 3.] This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Proposed May 13, 1912; ratified April 8, 1913; certified May 31, 1913.

Note--The seventeenth amendment was proposed as a direct amendment of Article I, Section 3, of the Constitution.

ARTICLE IX OF AMENDMENTS:

The enumeration in the Constitution, of certain rights [which flow from duties], shall not be construed

to deny or disparage others retained [especially Chapters 39 and 61 of MAGNA CARTA, A.D.1215] by the people.

ARTICLE X OF AMENDMENTS:

The powers not delegated to the United States by the Constitution [a TREATY by Christian International Law of A.D. 1776], nor prohibited by it to the States, are reserved to the States respectfully, or to the people.

REFERENCE;

Bush v Orleans ...188 F. Supp. 916, Appendix A-930-932 (1960)

Whereas, as set forth in the 1798 Kentucky Legislature Resolutions of Interposition, prepared by Thomas Jefferson, then the Vice-President of the United States, "That the several States composing the United States of America are not united on the principle of unlimited submission to their General Government; but that by compact under the style and title of a Constitution for the United States and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving each State to itself, the residuary mass of right to their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are not authoritative, void, and of no force.

"That to this compact each State acceded as a State, and is an integral party, its co-States forming as to itself, the other party.

"That the Government created by this compact was not made the exclusive or final judge of the extent the measure of its powers; but that as in all other cases of compact among parties having no common judge, each party had an equal right to judge for itself, as well of infractions as of the mode and measure of redress * * * "

d"that this Legislature" considers the Federal Union upon the terms and for the purposes specified in the late compact, conducive to the liberty and happiness of the several States; that it does now unequivocally declare its attachment to the Union, and to that compact, agreeably to its obvious and real intention, and will be among the last to seek its dissolution;

"That if those who administer the general government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, and annihilation of the State governments, and the creation, upon their ruins, of a general consolidated government; will be the inevitable consequence;

"That the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of the infraction; and that a nullification, by those sovereignties of all unauthorized acts done under color of that instrument, is the rightful remedy; and

"That, although this State as a party to the Federal compact, will

bow to the laws of the Union, yet it does, at the same time, declare that it will not now, or ever hereafter, cease to oppose, in a constitutional manner, every attempt, at whatever quarter so offered, to violate that compact."

Whereas, as further set forth in the 1799 Virginia Legislature Resolution of Interposition, prepared by James Madison.

This Legislature "unequivocally" expresses a firm resolution to maintain and defend the Constitution of this State against every aggression, either foreign or domestic, and that they will support the government by the United States in all measurers, warranted" by the United States Constitution; and this Legislature "most solemnly declares a warm attachment to the Union of the States, to maintain which, it pledges its powers; and that for this end, it is their duty, to watch over and oppose every infraction of those principles, which constitute the only basis of that Union, because a faithful observance of them can alone secure its existence, and the public happiness.

"This Assembly explicitly and peremptorily declares that it view the powers of the Federal Government as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact; as no further valid than they are authorized by the grants enumerated in that compact, and that in case of a deliberate, palpable and dangerous exercise of other powers not granted by the said compact, the States who are parties thereto have the right and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within

their respective limits, the authorities, rights and liberties appertaining to them."

Whereas, the principle and doctrine of "Interposition" thus presented by Thomas Jefferson, principal author of the Declaration of Independence, and by James Madison, generally known in his time as the "Father of the Constitution," was given the full sanction of the people of the United States as shown by the fact that from 1800 Jefferson and then Madison were each elected to two successive terms as President of the United States, and the Jeffersonian-Madison concept of the Constitution and State Rights became so firmly established and universally accepted that the political party which opposed it, the Federalist Party, never elected another President, but shriveled and died of decay.

Whereas, other Acts of Interposition by other States of the Union, against unlawful encroachments by the Federal Government have contributed to the preservation of constitutional government in this country including:

The 1792 Georgia Act, which resulted in the adoption of the 11th Amendment upholding Georgia's sovereignty rights against the United States Supreme Court's illegal decision;

The Pennsylvania 1809 action against the execution of an unlawful federal court decree which usurped ungranted powers;

The Hartford Connecticut Convention of the States of Massachusetts, Rhode Island, New Hampshire, Vermont and Connecticut in 1814 when they exercised the right of Interposition and nullified Acts of Congress as constituting "deliberate, dangerous and palpable

infractions of the Constitution," affecting the sovereignty of those States and the liberties of their people;

The Georgia and Alabama Acts of Nullification against federal laws and court decrees usurping ungranted powers;

The 1880 Iowa Act which successfully defied an effort on the part of the United States Supreme Court to reverse a position taken by the Iowa Supreme Court holding extensive grants to expanding Railroads unlawful. The Supreme Court of the United States was forced to back down.

The Acts of Nullification by fourteen of the Northern States against Federal Statutes relative to fugitive slaves brought about by the Dred Scott decision of the United States Supreme Court in which some of their Legislatures declared the court had acted "without process or any of the forms recognized by law," and denounced the court's "assumption of power," and that the court's effort "to become the final arbiter" was indirect conflict with the Constitution and that the several states which formed that instrument(the United States Constitution) have the unquestionable right to judge of its infraction, and that interposition of the state's sovereignty is the rightful remedy; and

The South Carolina 1813 Act against the Federal Tariff Laws which would have caused financial chaos and ruin to that state, and that state's Legislature Act which promptly nullified the Federal Force Bill which attempted to nullify South Carolina's nullification when that state's struggle to save constitutional government and its state sovereignty was based upon the proposition as fundamental

then as now, as paraphrased by John C. Calhoun that

> "Stripped of all its covering, the naked question is whether ours is a Federal or a Consolidated Government; a constitutional or absolute one; a Government resting ultimately on the solid basis of the sovereignty of the States or on the unrestrained will of a majority; a form of Government, as in all other unlimited ones, in which injustice, and violence, and force must finally prevail."

End of EXHIBIT G

EXHIBIT H:

THE FEDERAL GOVERNMENT: ... by Judge Upshur, pp. 92 - 95 :

It requires strong and plain proof to authorize us to say, that a nation once sovereign has ceased to be so. And yet Judge Story requires us to believe this of the colonies, although he acknowledges that he cannot tell, with any degree of confidence or precision, when, how, or to what extent the sovereignty, which they acquired by declaring their independence, was surrendered. According to him, the colonies are to be presumed to have yielded this sovereignty to a government established by themselves for a special and temporary purpose, which existed only at their will, and by their aid and support; whose powers were wholly undefined, and for the most part exercised by usurpation on its part, and legitimated only by the acquiescence of those who appointed it; whose authority was without any adequate sanction which it could itself apply, and which, as to all the important functions of sovereignty, was a mere name--the shadow

without the substance! If the fact was really so, I venture to affirm that the history of the world affords no similar instance of folly and infatuation.

[The language of the Supreme Court is very full in declaring that the colonies did not lose their sovereign independence of each other and become one people by virtue of the Declaration of Independence of Great Britain. "No sovereignty did or could exist over them, unless that of Great Britain should be restored by a reconciliation; which not happening, their Declaration of Independence, in their separate conventions, became absolute, and these States were independent, according to the universal opinion of the country, which is most clearly expressed in the language of this Court." (4 Cranch, 212, McIlvaine v Coxe.) "If the authority of this Court is respected, the Declaration of Independence is to the judicial mind what it is to the common eye, a proclamation to the world, by the separate States, assembled in Congress by their respective deputies, voting for and signing the instrument by States, a publication of their existing political condition, each as an independent State." "They declared these united colonies to be independent states, not one State," (or country,) "as the State of Great Britain." "Each declared itself sovereign and independent, according to the limits of their territory." (Baldwin, 74,75; 12 Wheaton, 522,7.) In October, 1776, Congress directed that every officer should swear, that "I acknowledge the thirteen United States of America, namely: New Hampshire, &c., to be free, independent and sovereign States." The name of each of the

thirteen States was named as a distinct sovereignty. (2 Journal of Congress, 400.) In November of the same year, Congress addressed a circular letter to the respective legislatures of the States, speaking of them as "so many sovereign and independent communities," and "to each respective legislature it is recommended," &c. (1 Laws U.S.,12,13.) How can such language be reconciled with the idea of Judge Story, that "the colonies did not severally act for themselves?" -- C.C.B.]

CHAPTER VI.

THE ARTICLES OF CONFEDERATION DID NOT IMPAIR THE SOVEREIGNTY OF THE STATES, NOR CONSOLIDATE THEM INTO ONE PEOPLE.

Whatever may have been the condition of the colonies prior to 11781, there is no room for doubt on the subject, after the final ratification of the Articles of Confederation in that year. Those articles declare that "each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled." The obvious construction of this clause requires that we should apply these latter words only to "powers, jurisdiction and rights;" some of which, as enjoyed by the States under the previous government, were clearly surrendered by the Articles of Confederation. But their entire sovereignty, their entire freedom, and their entire independence, are reserved, for these are not partible. Indeed, this is clear enough, from the provisions of that instrument, which, throughout, contemplate the States as free, sovereign and independent.* It is---

*Commenting upon the separate independence of the States, Judge Baldwin says: "Such was the situation of the States and people, from 1776 till 1781, when the several State legislatures made an act of Federation, as ALLIED SOVEREIGNS, which was only a league or alliance." This Confederation of 1781 may be regarded as the actual date of the Union. Some of its details were afterwards modified, curtailed or extended, but the principle of ALLIED SOVEREIGN STATES was never changed.--C.C.B.

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singular, too, that it should escape the observation of any one, that the very fact of adopting those articles, and the course pursued in doing so, attest, with equal clearness and strength, the previous sovereignty and independence of the States. What had the States in their separate character to do with that act, if they formed altogether "one people?" And yet the States, and the States alone, performed it, each acting for itself, and binding itself. The articles were confirmed by ten states, as early as 1778, by another in 1779, and by another in 1780; and yet they were not obligatory until Maryland acceded to them, in 1781. Nothing less than the ratification of them by all the states, each acting separately for itself, was deemed sufficient to give them any binding force or authority.

There is much force and meaning in the word "retains," as it occurs in the clause above quoted. Nothing can properly be said to be retained, which was not possessed before; and of course the States possessed before "sovereignty,

freedom, and independence." These they retained without any qualification, for limitation, and they also retained every "power, jurisdiction, and right," which they did not then expressly surrender...

(Page 172-175 Upshur Cont.)

...Every right may be said to be a constitution right, because no right exists which the Constitution disallows; and, consequently, every remedy to enforce those rights presents "a case arising under the Constitution." But a construction so latitudinal will scarcely be contended for by any one. The clause under consideration gives jurisdiction only as to those matters, and between those parties, enumerated in the Constitution itself. Whenever such a case arises, the Federal courts have cognizance of it; but the right to decide a case arising under the Constitution, does not necessarily imply the right to determine in the last resort what that Constitution is. If the Federal courts should, in the very teeth of the eleventh amendment, take jurisdiction of cases "commenced or prosecuted against one of the States by citizens of another State, "the decisions of those courts, that they had jurisdiction, would certainly not settle the Constitution in that particular. The State would be under no obligation to submit to such a decision, and it would resist it by virtue of its sovereign right to decide for itself, whether it had agreed to the exercise of such a jurisdiction or not.

Considering the nature of our system of government, the States ought to be, and I presume always will be, extremely careful not to interpose their sovereign power against the decisions of the Supreme Court in any case where that

court clearly has jurisdiction. Of this character are the cases already cited at the commencement of this inquiry; such, for example, as those between two States, those affecting foreign ministers, those of admiralty and maritime jurisdiction, &c. As to all these subjects the jurisdiction is clear, and no State can have any interested to dispute it. The decisions of the Supreme Court, therefore, ought to be considered as final and conclusive, and it would be a breach of the contract on the part of any State to refuse submission to them. There are, however, many cases involving questions of the powers of government, State and federal, which cannot assume a proper form for judicial investigation. Most questions of mere political power are of this sort; and such are all questions between a State and the United States. As to these, the Constitution confers no jurisdiction on the federal courts, and, of course, it provides no common umpire to whose decision they can be referred. In such cases, therefore, the State must of necessity decide for itself. But there are also cases between citizen and citizen, arising under the laws of the United States, and between the United States and the citizen, arising in the same way. So far as the federal tribunals have cognizance of such cases, their decisions are final. If the constitutionality of the law under which the case arises, should come into question, the court has authority to decide it, and there is no relief for the parties, in any other judicial proceeding. If the decision, in a controversy between the United States and a citizen, should be against the United States, it is, of course, final and

conclusive. If the decision should be against the citizen, his only relief is by an appeal to his own State. He is under no obligation to submit to federal decisions at all, except so far only as his own State has commanded him to do so; and he has, therefore, a perfect right to ask his State whether her commands extend to the particular case or not. He does not ask whether the federal court has interpreted the law correctly or not, but whether or not she ever consented that Congress should pass the law. if Congress had such power, he has no relief, for the decision of the highest federal court is final; if Congress had not such power, then he is oppressed by the action of a usurped authority, and has a right to look to his own State for redress. His State may interpose in his favor or not, as she may think proper. If she does not, then there is an end of the matter; if she does, then it is no longer a judicial question. The question is then between new parties, who are not bound by the former decision; between a State and ;the United Starts. As between these parties the federal tribunals have no jurisdiction, there is no longer a common umpire to whom the controversy can be referred. The State must of necessity judge for itself, by virtue of that inherent, sovereign power and authority, which, as to this matter, it has never surrendered to any other tribunal. Its decision, whatever it may be, is binding upon itself and upon its own people, and no farther.

A great variety of cases are possible, some of which are not unlikely to arise, involving the true construction of the Federal Constitution, but which could not possibly be presented to the

courts, in a form proper for their decision. The following are examples:

By the 4th section of the 4th article it is provided that "Congress shall guaranty to every State in the Union a republic[a]n form of government." What is a republican form of government, and how shall the question be decided? In its very nature, it is a political, and not a judicial question, and it is not easy to imagine by what contrivance it could be brought before a court. Suppose a State should adopt a constitution not republican, in the opinion of Congress, what course would be pursued? ...

(Pages 192 - 195 Upshur)

... A strict construction of the Constitution will give to the Federal Government all the power which it can beneficially exert, all that is necessary for her to possess, and all that its framers ever designed to confer on it.

To these views of the subject we may add, that there is a natural and necessary tendency in the Federal Government o encroach on the rights and powers of the States. As the representative of all the States, it affords, in its organization, an opportunity for these combinations, by which a majority of the states may oppress the minority, against the spirit or even the letter of the Constitution. There is no danger that the Federal Government will ever be too weak. Its means of aggrandizing itself are so numerous, and its temptations to do so are so strong, that there is not the least necessity to imply any new power in its favor. The States, on the contrary, have no motive to encroach on the Federal Government, and no power to do so, even

if they desired it. In order, therefore, to preserve the just balance between them, we should incline, in every doubtful case, in favor of the States; confident that the Federal Government has always the inclination, and always the means, to maintain itself in all its just powers.

The Constitution itself suggests that it should be strictly and not liberally construed. The tenth amendment provides , that "the powers not delegated to the United States, nor prohibited to the States, by the Constitution, are reserved to the States and the people." There was a corresponding provision in the Articles of Confederation, which doubtless suggested this amendment. It was considered necessary, in order to prevent that latitude of construction which was contended for by one of the great political parties of the country, and much dreaded and strenuously opposed by the other. In the Articles of Confederation all "rights, jurisdiction and powers" are reserved, except only such as are expressly delegated; but in the Constitution the word "expressly" is omitted. Judge Story believes, from this fact, that it was the intention of the framers of the tenth amendment to leave "the question, whether the particular power which is the subject of contest, has been delegated to one government or prohibited to the other, to depend upon a fair construction of the who instrument;" doubtless intending ;by the word "fair," a construction as liberal as would be applied to any other frame of government. This argument is much relied on, and is certainly not without plausibility, but it loses all its force, if the omission can be otherwise satisfactorily accounted

for. The Constitution provided that Congress shall have power to pass all laws which shall be necessary and proper for carrying into effect the various powers which it grants. If this clause confers no additional faculty of any sort, it is wholly useless and out of place; the fact that it is found in the Constitution is sufficient proof that some effect was intended to be given to it. It was contemplated that, in executing the powers expressly granted, it might be necessary to exert some power not enumerated, and as to which some doubt might, for that reason, be entertained. For example, the power to provide a navy is not, in itself, the power to build a dry dock; but as dry docks are necessary and proper means for providing a navy, Congress shall have power to authorize the construction of them. But if the word "expressly" had been used in the tenth amendment, it would have created a very rational and strong doubt of this. There would have been at least, an apparent repugnance between the two provisions of the Constitution; not a real one, I admit, but still sufficiently probably to give rise to embarrassing doubts and disputes. Hence the necessity of omitting the word "expressly," in the tenth amendment. It left free from doubt and unaffected the power of Congress to provide the necessary and proper means of executing the granted powers, while it denied to the Federal Government every power which was not granted. The same result was doubtless expected from this amendment of the Constitution, which was expected from the corresponding provision in the Articles of Confederation; and the difference in the terms employed is but

the necessary consequence of the difference in other provisions of the two systems.

Strictly speaking, then, the Constitution allows no implication in favor of the Federal Government, in any case whatever. Every power which it can properly exert is a granted power. All these are enumerated in the Constitution, and noting can be constitutionally done, beyond that enumeration, unless it be done as a means of executing some one of the enumerated powers. These means are granted, not implied; they are given as the necessary incidents of the power itself, or, more properly speaking, as component parts of it, because the power would be imperfect, nugatory and useless, without them. ...

End of EXHIBIT H

EXHIBIT I:

Arizona Weekly Gazette April 30, 1974

NINTH AMENDMENT 'CORNERSTONE OF THE CONSTITUTION'

Arizona's Business and Court Newspaper

By Richard L. Basinger, Scottsdale Attorney

... However, there is within the United States Constitution an oft forgotten, ignored, or rejected amendment, which may be a "sleeping giant

just awakening"3 This "giant" is the Ninth Amendment which states.

The Enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.4

This paper explores the historical background of the Ninth Amendment and sets forth a summary of its usage to date.

Most importantly, this paper suggests that much of the scope, purpose, and impact of the Ninth Amendment yet remains to be tapped by our judicial system. One author has said:

(I)f given its proper meaning and construction, (the Ninth Amendment) could be the most significant and forceful clause in the entire Constitution. To this date it has been the "stone which the builders refused," but it is in fact the cornerstone of the Constitution.5 ...

... Property was not to be taken from one nor taxes imposed arbitrarily and without ones consent.14 ...

... The first and second proposed amendments were never ratified by three-fourths of the States. 40 Thus, by a numbering downward, the proposed eleventh amendment became our present day Ninth Amendment. 41 This change of numbers is most significant because of the resulting early confusion which caused the Supreme Court of the United States in an opinion to refer to the "Ninth Amendment" when it meant the present Seventh Amendment (originally the ninth proposed amendment). 42 The possible significance of this mistake is discussed in this paper under the section "The Ninth's Application to the States." ...

... While Congress did not accept the proposed interweaving of the

enumerated rights with the existing Constitution, it has been argued that such proposal indicated the specific intent to overtly and explicitly restrict without question the power of Congress to override any of these rights; particularly to restrict the use of the "Necessary and Proper Clause" for overriding any of these particularly enumerated and unenumerated retained rights. 46

The intents of our Constitution framers, and the use of the Ninth Amendment to date by our judicial system (particularly the United States Supreme Court) may as yet be somewhat inconsistent; much of the power and meaning of the Ninth Amendment yet being untapped. 47 ...

... Hopefully, there will be a full recognition by the United States Supreme Court as well as other courts of the Ninth's historical meaning and scope -- thus allowing these courts to intelligently apply this amendment in the intended manner. Certainly full recognition should be given to the retained rights listed earlier in this paper.

However, the purpose of the Ninth would be defeated if this were thought to be a complete and total list. A fundamental reason for having the Ninth is because of an awareness of the limitations on any such list.

Other possible Ninth Amendment rights which may apply to the resolution of current issues include:

(1) the right to bear arms for sporting events and the protection of self;

(2) the right to drive a car so as to better move from place to place unless

unable to physically or mentally control such vehicle;

(3) the right to have use of "clean" air and "clean" water;

(4) the right to have opportunity to earn a living that is beyond mere subsistence; and,

(5) The right to exercise other personal rights which do not harm others.

May this "fundamental and critically important cornerstone" of the Constitution be given its rightful place without further delay.

End of EXHIBIT I

EXHIBIT J:

THE DE FACTO GOVERNMENT OF THE UNITED STATES

160 page book by Charles A. Weisman, Pages 18 - 23:

HE SENATE AND STATE SUFFRAGE

The Congress of the United States under the Constitution was established as being "bicameral," that is, having two distinct legislative chambers. This form followed the English system whereby Parliament is divided into a House of Lords and a House of Commons. The Senate was designed to resemble the House of Lords in being somewhat removed from popular control.

During the Constitutional Convention it was established that the Senate be the representatives of the individual States as political entities. On June 7, 1787, George Mason stated the reason why the Senators of the national Legislature (Congress) should be chosen by the State Legislatures:

"Mason - It is true that the old Confederacies [in history] were ruined by great overgrown power and the ambition of

some of their Members - but their circumstances differ from ours - We have agreed that the national Government shall have a negative on the acts of the State Legislatures. - the danger now is that the national Legislature will swallow up the Legislatures of the States. The Protection from this Occurrence will be the securing to the State Legislatures, the choice of the Senators of the U.S. So adopted unanimously."9

It was universally felt that the States would have no means of protection or defense against Congress encroaching upon the laws and proceedings of the States, unless the Senate was placed in the hands of the State Legislature. Many delegates thought that to deny the State Legislature this control of the Senate, was equivalent to an attempt to abolish the States altogether. As Roger Sherman stated:

> "Mr. SHERMAN. if it were in view to abolish the State Governments the elections ought to be by the people. If the State Governments are to be continued, it is necessary in order to preserve harmony between the National and State Governments that the elections to the former should be made by the latter."10

Consequently, Article 1, Section 3 of the Constitution for the United States was written as follows:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof."

A main aspect of the federated system, as contemplated by those who framed and adopted the Constitution, was to have a built-in system of political checks by the States upon the central

government. This was explained by James Madison in a 1787 letter to Jefferson, soon after the Framing Convention adjourned:

> "In the American Constitution the general authority [of the central government] will be derived entirely from the subordinate authorities. The Senate will represent the States in their political capacity; the other House will represent the people of the States in their individual capacity....The President also derives his appointment from the States....This dependence of the General [government] on the local authorities, seems effectually to guard the latter against any dangerous encroachments of the former."11

The House does not supply any check on the central government by the States since its members are elected by the people at large. The only way the States could guard their rights from abuse of Congress was by voting for their own senators in Congress.

It can easily be seen that State suffrage in the Senate operated as an intricate and imperative mechanism of the Constitutional Structure. So much so, that the Convention not only unanimously assented to it, but they prohibited any measure which might deprive a State Legislature of its right to vote for Senators. In Article 5 of the Constitution, which outlines the mode in which the Constitution can be Amended, the following proviso was made:

> Provided...that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

This section plainly stated that no Amendment can be made which would deprive any single State of its equal suffrage in the Senate. The debates of the Constitutional Convention point out that this provision protected two important attributes of the Senate: (1) That each State be equally represented, and (2) that the suffrage (vote) for senators come from the State Legislatures. Clearly no law or Amendment can override or short circuit this Constitutional provision. However, around 1910, an insidious plot was being worked into Congress to pass a resolution for an amendment to do just that. The "Seventeenth Amendment" was proposed to take away State suffrage in the Senate. The Amendment read as follows:

> "The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof;..."

The intent of such an amendment is clearly to deprive the State Legislature of the ability to control Congress by having the people at large vote for the Senators. According to Article 5 of the Constitution, no such amendment could possibly have any validity unless every single State Legislature consented to it. It could not be made valid like any other amendment which would require only three-fourths of the States' approval. The Constitution clearly prohibits even one State from being deprived of its suffrage without its consent.

When the 17th Amendment was proclaimed to have been ratified on May 31, 1913, there where 48 States in the Union. The records from the Secretary of State (May 31, 1913) show that 36 States "ratified" the amendment. That is, they

"consented" to being deprived of their Suffrage (vote) in the Senate (Louisiana ratified at a later date). Two States (Utah and Delaware) rejected the 17th Amendment, and thus were deprived of Suffrage without their consent. Nine other States took no action at all on the amendment - neither ratifying nor rejecting it. Since they did not "consent" they too were unlawfully deprived of their suffrage in the Senate.

Therefore, at least 11 States were deprived of their suffrage in the Senate, without their consent, in violation of Article 5 of the U.S. Constitution. This is especially true since its effect was not instantaneous. The last clause of the 17th Amendment stated that those Senators which were already chosen would not be affected by it. The term of a Senator being six years with one third of the seats being up for election every two years.

1912 was a major election year so when the Amendment passed in 1913 the Senate remained as it was with Constitutionally elected Senators. With the election for the 64th Congress in 1914, one third of the Senators where chosen according to the 17th Amendment, and the two-thirds that remained were ones chosen according the U.S. Constitution. At this point there was unequal suffrage of the States. The same is true with the 65th Congress that was elected in 1916, two-thirds being elected by the 17th Amendment and one-third by the Constitution.

The Seventeenth Amendment was, during that period of time (1914-1918), unconstitutional, for the Constitution prohibited such an Amendment which would deprive any State of its equal suffrage.

The fact that all States eventually went along with it cannot change its unconstitutional nature. It is a maxim of law that "a thing invalid from the beginning cannot be made valid by subsequent act."

The 17th Amendment is a nullity since the Senate, being composed of Senators elected by the people at large, is not established according to the Constitution. It is established according to another law, one designed by the corrupt powers that have controlled Washington D.C. since the Civil War. This means the Senate is a de facto Senate. All Senators elected by the people from 1914 and after are de facto Senators. All U.S. Senate seats have been Constitutionally vacant since this time.

Without a lawful Senate, there can be no lawful ambassadors, Federal judges and other officers since the Senate is needed to confirm all such appointees. All laws and treaties enacted since this time are de facto since they require a Senate established by the States to vote on such measures.

The 17th Amendment was a clever ploy by hidden powers to turn the American Republican form of government into more of a democracy - i.e., mob rule. It was claimed that the State Legislatures were only being swayed and bribed by the rich in order to get a Senate seat. Yet today the election of Senators by the people suffers the same problem. The rich or influential will spend millions upon millions in order to "buy" the votes of the people.

Obviously the hidden money powers that convinced the nation of the evils of a State controlled Senate were not

concerned about the rich controlling the Senate. "The passage of the amendment was due to the hard fight which was directed against the obstructive power" of the Senate.12 The Senate, as originally constructed, was a great stumbling block to much of the socialistic legislation being proposed by the hidden powers within the country. The only way to prevent the blockage of such legislation is to establish a senate based upon socialistic principles.

Congress, under the Constitution, was intended to be divided into two branches composed by different modes o election and representation (one by the people and the other by the States). The Senate today is noting but another House of Representatives, which was never the intent of the framers.

9 Documents Illustrative of the Formation of the Union, p.854---10 Ibid, p.160---11 G. Hunt, ed.; The Writings of James Madison, v.5,(1910) p.17.---12 John Bassett, A Short History of the United States, (1933) p.851.---

MARTIAL LAW AND FINANCIAL RULE

The attempt to control the colonies through martial law rule was actually a scheme by the Rothschild Bank of England, who had great control over Parliament and the crown. ...

... The anti-Christian Morey Barons knew that if they could get the Americans to defy and violate the very laws and principles they had appealed to God to give them, that God would deliver the American people into their hands in punishment. The fundamental law, which gave the American people their financial freedom and protection from arbitrary rule, could only be destroy by the people themselves. This was accomplished by a

Civil War which the Rothschild Bank of England and other Plutocrats and subversives instigated.

The American banking system under the control of the Federal Reserve as well as the IRS could not survive without martial law rule to protect them.

THE CIVIL WAR AND MARTIAL LAW

The Banking Elite who controlled England and Europe knew that a Civil War in America would create an opportunity to establish principles of law contrary to the original fundamental law of America. It would be an opportunity to have martial law rule established once again in the land.

After the demise of the second Bank of America, it was the plan of the International Money Barons to financially aid the "abolition movement" in America. The abolitionist societies and newspapers became their mouthpiece in the North. The movement established the radical proclamation that the Constitution was "a covenant with hell." Their equally radical Republican party had now succeeded in winning the presidential election in 1860. Their candidate being Abraham Lincoln.

Within several weeks after the election, seven southern states "seceded from the Union" in protest and fear of the new Republican rule. Several plans for a peaceful comprise were made within Congress and by way of a special peace convention assembled in Washington. "But Lincoln had a firm conviction about the situation and would not accept any compromise." 13

13 John S. Bassett, A Short History of the United States, N.Y. 1933,p.514 -Land of Free- THE NATIONAL EDUCATOR---February, 1991

4 MARXISTS ON LINCOLN'S GENERAL STAFF/
byAl Benson Jr.

February was once noted for the celebration of both Washington's and Lincoln's birthdays. Now we observe a generic nonholiday known as President's Day. That may be good or bad, depending on your point of view. However, since honest Abe was born in February, this might be a good time to take a look at what follows.

Back in the late 1970's , when I still regularly published my own newsletter, I wrote an article for that newsletter entitled "1861-65 - Class Struggle." At that point, due to some study of Marxism, I was beginning to view our so-called Civil War as a classic example of the Marxist concept of class struggle. That was 12 years ago. Nothing has since happened to change my mind. I now refer to our Civil War as the true American, Revolution, but that enhances rather than nullifies the class struggle concept.

Just about the time I was starting to put my article about the Civil War as class struggle together, the Lord providentially sent two pieces of documentation my way. Both had been published in 1978.

One was a short article from the Communist Daily World newspaper, dealing with a sterling individual named Joseph Wedemeyer, who had been an associate of Karl Marx during the 1848 revolution in Germany. After that situation ended, Mr. Wedemeyer showed up in the U.S., where, lo and behold, he ended up being an officer in the Union army during the Civil War. How convenient. Shortly after that, I cam across an article that appeared in the Councilor published in

Shreveport, Louisiana, for June 15, 1978. This article mentioned revolutionaries from Europe who ended up in the U.S. and Canada. The article said, regarding these revolutionaries: "Three, possibly four, quickly became generals in the Union army, despite their lack of military background. They joined at least three of Karl Marx's closest lieutenants on the roster of Union generals." That seemed to confirm my class struggle theory in regard to the war. If the Councilor article were to be taken at face value, and I don't see why it shouldn't be, that would mean that Lincoln had at least six generals in his army who were either marxists or former marxists.

Researching through some books gave me the names of at least some well-known Union officers during the Civil War. Armed with that list, I started doing a little digging. I already knew of the Marxist Wedemeyer. It didn't take too long to come up with three more who had been involved in Marxist activities in Europe in 1848.

One was the well-known Franz Sigel. I'd often seen his name mentioned in Civil War histories, but never seen anything about his background. Now I know why. It seems Herr Sigel was involved in an insurrection in Baden, Germany in (guess what year) 1848. He led a force of 4000 revolutionaries against the government, was defeated, fled to Switzerland, and he ended up in the U.S. after 1852. He was in Missouri when the war broke out, and by March of 1862, he was promoted to the rank of Major General of volunteers. Here is a man who was a Marxist revolutionary in 1848, and he ends up being a Major-

General of volunteers in the Union army by 1862. How convenient. But there's more, folks, so hold onto your seatbelts.

Next comes Thomas Francis Meagher. He was born in Ireland, but again, was involved in trouble in Europe in 1848. He was arrested in July of that year and charged with sedition. He was originally supposed to die, but his sentence was commuted (again, how convenient) and he was instead banished to Tasmania. He eventually escaped from that garden spot and ended up in the U.S. in May of 1852.

When the War Between the States broke out, Meagher organized a company of zouaves, which became part of the 69th volunteers. In the winter of 1861-62, he organized, in New York City, the well-known Irish Brigade and he became its commander. He later resigned his commission and returned to New York City, but he was reappointed a Brigadier General in 1864. In later years, he was the Territorial Secretary of Montana, even serving a year as temporary governor in the absence of the regular governor. I find it simply amazing how these (former?) Marxists manage to climb to such heights in the good ol' U.S. of A.

However, I must confess, I've saved the best for last. ...

End of EXHIBIT K

EXHIBIT L

SPOTLIGHT---September 20, 1993

SPOTLIGHT ON FINANCE

INTEREST PAID ON FEDERAL DEBT - (in 1000ths)

1829	2543
1830	1914
1831	1384

1833 304
1834 202
1835 58
1836 0

[President Clinton could do the same!!!]

Martin 1837
0
Van 1838 15
Buren 1839 400
1840 175

...

1989
220045800
George 1990
239487300
Bush 1991 252903300
1992 258466000

$2886569683

Sources:
Historical Statistics of the U.S. pp. 718-719
1980 Statistical Abstract, p. 259
1990 Statistical Abstract, p. 309
1991 Statistical Abstract, p. 317

TALLY STICKS = HONEST MONEY-TAX ANSWER

The Spotlight---By Peter Cook

The echo of history tells us loud and clear how Americans can emancipate themselves from the kid glove tyranny of dispossession through redlining, bankruptcies and foreclosures; how to eliminate poverty and unemployment; how to conquer and dispose of the ruinous inflation and taxation and how to revive the traditional American free enterprise system which is being fast killed by the monopoly system.

History is very meager in reporting about the wooden money which had kept the English monarchy out of debt for over 500 years. This money, known as "tallies." was implemented by Henry I, son of William the Conqueror, about the beginning of the 12th century. Tallies were used by the king's treasury to finance social and public projects, to purchase the court's supplies and to pay those who worked for or served the king.

The tallies were manufactured by the royal treasury by the king's order and authority from suitable wood such as a basswood or hazel. These varied in size from about 12 to 18 inches in length and generally were rectangular in cross section. Each tally stick was ink-marked with a denomination in pounds on two opposite sides. On the two remaining sides, the denomination code was notched.

After all this was properly done, the tally sticks then were split lengthwise, so that each side of the split tally bore one set of the ink markings and one-half of the notched code. The two matching halves of each tally were stored together in the treasury until it was time for them to be used as royal money.

WHAT MAKES MONEY GOOD?

...At tax time, the only tally halves accepterd were those which could be mated to the halves in the vaults. Thus, the financing of the king and his court was soundly controlled and equitably spread throughout the whole of England.

The significant point here is that it was the levying of taxes to be paid in tallies which infused "value" into the wooded sticks and endowed them with monetary utility...

...These primitive wooden sticks possessed the fundamental requirement of money - that it be universally acceptable in the payment of debts and taxes.

When the English kings compromised and began to accept the private bankers money in payment of taxes, they took the first drink of the deadly money changers hemlock and soon succumbed to the establishment of a central bank.

The opening of the privately owned "Bank of England" in 1694 disempowered the kings from ever again providing the nation with bona fide money. It also reduced the monarchy to the status of apuppet which was unable to prevent its kingdom from sinking deeper and deeper into the surreptitiously prepared quagmire of astronomical debt, taxes, inflation and dire poverty. Free England was no more. ...

End of EXHIBIT L

EXHIBIT M: Martin J. Beckman, et ux.,
Earlene H. Beckman,
Plaintiffs en propria Persona,
2711 North Frontage Road, Billings,
Mt-59101-735. 406-252-9509

IN THE UNITED STATES DISTRICT COURTFOR THE DISTRICT OF MONTANA, BILLINGS DIVISION

MARTIN J. BECKMAN and EARLENE H. BECKMAN,

=

= CV 94-41-BLG-RWA

= MOTION TO REMAND to:

Plaintiffs, =

= MONTANA
SEVENTH
vs. = JUDICIAL
= DISTRICT
COURT,

= RICHLAND COUNTY,
ALAN GREENSPAN, Chairman, and =
Sidney, Montana, withFEDERAL RESERVE
BOARD, and
= MEMORANDUM OFMARGARET RICHARDSON,
Comm. = POINTS
AND AUTHOR- of
Internal Revenue, and
= -ITIES TO SUPPORT De Facto UNITED
STATES Gov't
=
= and Form:
Defendants.

= ORDER OF REMAND MOTION TO
REMAND---CIVIL RULES: Rule 205-2---
REMAND OF ACTIONS TO STATE COURT

Plaintiffs Beckman, above, hereby without recognizing lawful jurisdiction of entitled Court, move said Court at Common Law to execute an ORDER OF REMAND of above entitled action (Cuase No.DV 94-033) to the MONTANA SEVENTH JUDICIAL DISTRICT COURT, Richland County, from whence said action was removed by Assistant U.S. Attorney, Lorraine D. Gallinger, Esq., by her document, NOTICE OF REMOVAL, filed April 6, 1994, 3:45P.M., by Lou Aleksich, Jr., Clerk of above entitled Court.

DATED: 19th day of April , 1994, and respectfully submitted,

_____-S-
_____

Martin J.Beckman &
Earlene H. Beckman, Plaintiffs, en Pro. Per., 406-252-9509

MEMORANDUM OF POINTS AND AUTHORITIES attached hereto follows:

MEMORANDUM OF POINTS AND AUTHORITIESIn support of MOTION TO REMAND, Plaintiffs Beckman submit:

1- Plaintiffs allege that the real issue or contention in this action is the lawful jurisdiction of the United States Government since it forfeited its limited sovereignty when President A. Lincoln signed the NATIONAL BANK ACT, Feb. 20, 1863. Logically, it follows that U.S. Courts also lost jurisdiction.

Before the War (1861-1865), "Civil War", "War Between the States", or "American Socialist Revolution" called by socialists today, the "King" or U.S. Government was required lawfully to come into a State Court for any action NOT stated in the TREATY, the U.S. Constitution. Int'l. Law and Jurisprudence demand this.

2- Therefore, to rebut the four (4) points of Assistant U.S. Attorney Lorraine D. Gallinger on pages one (1) and two (2) of document, NOTICE OF REMOVAL, filed April 6, 1994, Plaintiffs Beckman allege:

a- In "I", page 1, quote: "...two federal employees are named as d defendants ...". Plaintiffs allege that lawfully there could be only one federal employee, namely, Margaret Richardson who is an employee of IRS and U.S. Treasury Dept. The other "employee" of the "two", above, namely Alan Greenspan, is an employee of the twelve (12) Federal Reserve Banks, the Central Bank of the Defendant, De Facto United States Government. Said Banks are privately owned as ruled by Ninth Circuit Court of Appeals in

Lewis vs. U.S., 680 f.2nd1239 at 1241 & 1242 (1982).

b- The "Federal Reserve Banks" are privately owned; quote: "This man [Paul Warburg, a German citizen, 1910] was allowed by elected U.S. traitors, (namely Senator Glass and Senator Aldrich) to become the architect and creator of a U.S. central bank that was, and remains, privately held - the Federal Reserve! ... Contrary to the misguided beliefs of many Americans, the Federal Reserve is not a part of our government. It is privately owned. An honest answer to the actual ownership of this body would shock all Americans! Banks with foreign ties and ownership are included on the list of big banks that actually OWN and RUN the Federal Reserve." . p.23, last P., & following p.27, 1st P: "From ;1816 through 1836 the Bank of the United States was in the same devious hands. In 1836 President Andrew Jackson abolished it. He Stated:

The bold effort the present bank has made to control the government, the distress it had wantonly produced are but premonitions of the fate that awaits the American people should they be deluded into a perpetuation of this institution or the establishement of another like it.'".

(Last P. and underlined are in italics) Pp.23 and 27
from: THE GREATEST STORY NEVER TOLD, "Winston Churchill and the Crash of 1929", by Pat Riott, c 1994, from Nanoman Press, Oak Park, IL-60522-4567.

C- Reference to President Jackson, above, is made in Exhitit "A" attached hereto at page -8- ; he used paper money as tax receipts and paid off the national debt; note, in 1836, no interest owed to any bank or person. He used Dr. Ben Franklin's famous "Bills of Credit" which actually were negotiable Tax Receipts of the Nation (Colony) of Pennsylvania which traded two (2%) above silver coin par. Reference: Dr. Benjamin Franklin on pages, 11, 15, 16, & 26, of BANKS & POLITICS "from the Revolution [1694, the charter to Rothchilds of Bank of England] to the Civil War [1863, Nat'l. Bank Act]", 771 p., c 1957, Princeton Univ. Press, by Bray Hammond, Ass't. Secretary of Federal Reserve Board, Retired. ...

End of EXHIBIT M

EXHIBIT N:

NATIONAL GEOGRAPHIC - January 1993
(Pages 83-84)

"... Bills and coins make up about 8 percent of the U.S. money supply - the rest is in bank accounts, including checkbook money; at this writing the sum total is 3.5 trillion dollars, says the Fed - the Federal Reserve System, which is the central bank of the government of the United States - and that is three billion more than a month ago. This is how that happens.

Every business day, after a telephone conference call at 11:15 a.m., the Federal Reserve Bank of New York, acting on directives from the Federal Open Market Committee at Fed headquarters in Washington, buys U.S. government securities from major banks and brokerage houses, or sells some - usually U.S. Treasury bills, which in effect are government promissory notes. Say today the Fed buys a hundred million dollars in Treasury bills from those big securities dealers, who keep a stock of them to trade with the public. When the Fed pays the dealers, a hundred million dollar will thereby be added to the country's money supply, because the dealers will be credited that amount by their banks, which now have that much more on deposit.

But where did the Fed get that hundred million dollars?

"We created it," a Fed official tells me. He means that anytime the central bank writes a check, so to speak, it creates money. "It's money that didn't exist before," he says.

Is there any limit on that ?

"No limit. Only the good judgment and the conscience of the responsible Federal Reserve people."

And where did they get this vast authority?

"It was delegated to them in the Federal Reserve Act of 1913, based on the Constitution, Article I, Section 8. 'Congress shall have the power...to coin money, regulate the value thereof...'"

Now watch how that Fed-created money lets our commercial banking system create even more. The Fed requires banks to put aside a portion of their depositors' funds as reserves. Say this reserve ratio is set at 10 percent - then for every $1,000 in new deposits, a bank must keep at least $100 in reserve but can loan out the rest, namely $900. On the bank's books this loan remains as an asset, earning interest until it is paid off. The customer who got the loan is likely to spend it right away, say for a used car. The car dealer deposits the $900 check in his bank, which then has an additional $900 in reserves and can in turn loan out 90 percent of the - $810. And so on and on, until the original $1,000 put into one bank may enable dozens of banks to issue a total of $9,000 in new loans. ...

BOUVIER'S LAW DICTIONARY--- STUDENT'S ED., 1928, Page 174

Interposition of a State:

Judicial notice is also taken of any matters of public history affecting the whole people, and also public matters affecting the government of the nation, or of their own particular state or district; 16 How. 416 ; 91 U.S. 37; 56 dN.J.L. 696;147 Ill.66 ; 1 Abb. 169; 67 Ga. 260; 50 Ala. 137; 13 Ct. Cl. 117; 64 Ind. 553; 2 Cal. 183; but see 28 Tex. 294; 6 Heisk. 202; of the general facts of natural history;' 5 C. C; App.359; 55 Fed. Rep. 964; of the rules of arithmetic

; 97 Ala. 159; of legal weights and measures; 4 Tenn. 314; and coins; 5 M'Lean 23 ; 10 Ind. 36 ; the character of the general circulating medium, and the public language in reference to it ; 3 Monr. 149 ; but not the current value of the notes of a bank at any particular time ; 40 Ala. 391 ; of the custom of the road as to passing to the right or left: ...

End of EXHIBIT N---

EXHIBIT O:

H.J.R. 94-1035

Unofficial Pre-Engrossed Version

(Printed resolution as amended by committee amendment and floor amendment)

Second Regular Session

Fifty-Ninth General Assembly

LLS NO R94PO784.ENG JY

STATE OF COLORADO

BY REPRESENTATIVE Duke:

also SENATOR Roberts,

HOUSE JOINT RESOLUTION 94-1035

WHEREAS, the 10th Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States espectively, or to the people."; and

WHEREAS, The 10th Amendment defines the total scope of federal

power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, The scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, Today, in 1994, the states are demonstrably treated as agents of the federal government; and

WHEREAS, Numerous resolutions have been forwarded to the federal government by the Colorado General Assembly without any response or result from Congress or the federal government; and

WHEREAS, Many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

WHEREAS, The United States Supreme Court has ruled in New York v. United States, 112 s. Ct. 2406 (1992), that Congress may not simply commandeer the legislation and regulatory processes of the states; and

WHEREAS, A number of proposals from previous administrations and some now pending from the present administration and from congress may further violate the United States Constitution; now, therefore,

Be it further resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, the Senate concurring herein;

(1) That the State of Colorado hereby claims sovereignty under the 10th Amendment to the Constitution

of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

(2) That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

Be it Further Resolved, that copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representative, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America and Colorado's Congressional delegation.

EXHIBIT O (End of exhibits)

-30-